

PATENT

Case Docket No. MASIMO.236C1

Date: January 29, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mohamed K. Diab
Appl. No. : 10/695,405
Filed : October 28, 2003
For : OPTICAL SPECTROSCOPY
PATHLENGTH
MEASUREMENT SYSTEM
Examiner : Unknown
Group Art Unit: Unknown

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

January 29, 2004

(Date)

John M. Grover, Reg. No. 42,610

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) an Information Disclosure Statement;
- (X) a PTO Form 1449 with 8 references, which are not being submitted herewith; and
- (X) a return prepaid postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

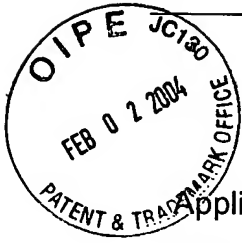
John M. Grover

Registration No. 42,610

Attorney of Record

Customer No. 20,995

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**INFORMATION DISCLOSURE STATEMENT**

Applicant : Mohamed K. Diab
App. No. : 10/695,405
Filed : October 28, 2003
For : OPTICAL SPECTROSCOPY
PATHLENGTH MEASUREMENT
SYSTEM
Examiner : Unknown
Group Art Unit : Unknown

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is form PTO-1449 listing eight (8) references. Copies of disclosed U.S. patents and/or publications are not included pursuant to PTO waiver of the requirement under 37 C.F.R. § 1.98(a)(2)(i) for applications filed after June 30, 2003. Copies of other references, if listed, are enclosed.

This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required in accordance with 37 C.F.R. § 1.97(b)(3). If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 29, 2004

By: 

John M. Grover
Registration No. 42,610
Attorney of Record
Customer No. 20,995
(949) 760-0404

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
MASIMO.236C1APPLICATION NO.
10/695,405INFORMATION DISCLOSURE STATEMENT
BY APPLICANT

(USE SEVERAL SHEETS IF NECESSARY)

APPLICANT
Mohamed K. DiabFILING DATE
October 28, 2003GROUP
Unknown

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	1.	5,871,442	02/16/99	Madarasz, et al.			
	2.	6,166,807	12/26/00	Kawamura, et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	3.	WO 9809566	3/12/98	PCT				

EXAMINER
INITIAL

OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

	4.	Browne A F Et al., "MICRODEGREE POLARIMETRIC MEASUREMENT OF GLUCOSE CONCENTRATIONS FOR BIOTECHNOLOGY APPLICATIONS", Proceedings of the IEEE 23 rd , Northeast Bioengineering Conference, Durham, New Hampshire, May 21-22, 1997, Proceedings of the IEEE Northeast Bioengineering Conference, New York, IEEE, US, Vol. Conf. 23, 21 May 1997, Pages 9-10, XP000738103, ISBN: 0-7803-3849-9
	5.	Jang Sunghoon and Fox Martin D. "DOUBLE LOCK-IN CONCEPT FOR MORE GLUCOSE DETECTION", Proceedings of the IEEE 25 th Annual Northeast Bioengineering Conference, West Hartford, CT, April 8-9 1999, Proceedings of the IEE Annual Northeast Bioengineering Conference, New York, Ny, Pages 122-124, XP002155401, ISBN: 0-7803-5487-7
	6.	T.R. Nelson and Dr. Robert B. Northrop, "OPTICAL GLUCOSE MEASUREMENT USING A MICRODEGREE POLARIMETER IN A CLOSED LOOP SYSTEM", published electronically July 30, 1998, 15 pages.
	7.	International Search Report, PCT Article 18, 1-4 pages, Filing Date August 14, 2001
	8.	Notification of Transmittal of the International Search Report or the Declaration, 1-3 pages, date of mailing March 18, 2002

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EXAMINER

DATE CONSIDERED

*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.